

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

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In re:
Susan J. Schofield **Debtor(s)**

Susan J. Schofield
Plaintiff(s)

Bankruptcy Case No.: 10–20927–JKF
Chapter: 13
Adversary Proceeding No.: 11–02231–JKF
First Pretrial Hearing: 6/22/11 at 01:30 PM
Related to Docket No. 1

vs.
HSBC Bank USA, National Association, As Trustee For
Home Equity Loan Trust Series ACE 2004–HE3
Defendant(s)

**FIRST PRETRIAL ORDER
(BANKRUPTCY RULE 7016)**

And Now, this 9th day of May, 2011, enclosed are summonses issued to Plaintiff(s) for service to each Defendant.

It Is Ordered that:

(1) Service of the Summons, together with a copy of your complaint and this Order shall be made within fourteen (14) days from the date of issuance.

(2) The person making service must execute the enclosed certificate of service and file the same with the Clerk's Office within fourteen (14) days from the date of this Order. Failure to file your certificate of service when due will result in the dismissal of this proceeding.

(3) Should this Adversary Proceeding involve the United States of America or a Federal Agency or Officer as a defendant, you are directed to serve a copy of your complaint, summons and Order upon all of the following:

- a. The agency or officer involved.
- b. Civil Process Clerk
The United States Attorney
633 U.S. Post Office & Courthouse
Pittsburgh, PA 15219–1955
- c. The Attorney General of the United States
Civil Division, Bankruptcy Section
U.S. Department of Justice
Washington, D.C. 20530

The pleading must specifically identify the Federal Agency involved.

Further, both the Debtor and Debtor's Counsel shall be served when Debtor is a defendant in the case.

Further, in Chapter 11 cases, Creditors' Committee Counsel and Trustee, if any, shall be served. In Chapter 13 cases, Chapter 13 Trustee shall be served.

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(4) **Further:**

(A) If the certificate of service is not filed on or before the due date, this action will be dismissed for failure to prosecute.

(B) If the certificate of service is filed on or before the due date but no responsive pleading has been timely filed, the case will not be called in Court and Default Judgment will be entered. No Motion for Default need be filed.

(C) Otherwise, this case **shall** be called in Court on June 22, 2011 at 01:30 PM in Courtroom A, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219. **At That Time:**

(i) **If a responsive pleading has been filed by the due date, all counsel shall appear and a Pretrial Conference will be held.** Counsel shall be prepared to discuss settlement. Objectives and scheduling as provided in Bankruptcy Rule 7016(a), (b), will be addressed. See FRCP 16(a), (b). Discovery periods will be established and dates for settlement/conciliation conferences, for summary judgment motions and responses and for trial will be fixed, if needed, at the Pretrial Conference. The Court will consider for discussion the subjects listed in Bankruptcy Rule 7016(a)–(c), (f). See, FRCP 16(a)–(c), (f).

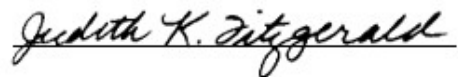
(ii) If the responsive pleading referred to in paragraph 4(C)(i) is something other than an answer, plaintiff(s) must file and serve responses to the pleading at least one business day before the hearing, all counsel shall appear and argument will be heard.

(iii) If there is no issue of fact, the Court may dispose of the matter at the Pretrial Conference, or on briefs, or as the Court may determine.

(5) Pleadings filed after the due date will not be considered by the Court unless a motion to extend time has been filed and served and an Order granting such Motion has been signed **prior** to the due date.

(6) Federal Rule of Bankruptcy Procedure 7026 (Federal Rule of Civil Procedure 26) shall not apply to this Adversary Proceeding unless a party requests otherwise by written motion filed and served within 30 days hereof. Any objections to the motion must be filed and served within 14 days thereafter. The issues raised by the motion and/or response(s) shall be addressed at the First Pretrial Conference. **Discovery commences as of the date of this Order.**

Date: May 9, 2011



Judith K. Fitzgerald
Judge